REMARKS/ARGUMENTS

In this response, Claims 1, 3, 6-7, 18, 20, 47, 52-53, 64, 66, and 69 have been amended. No claims have been added. Hence, Claims 1-23 and 47-69 are pending in the application. No new matter has been added.

I. ISSUES NOT RELATING TO PRIOR ART

CLAIMS 1-23 AND 47-69 --- 35 U.S.C. 112(1)

Claims 1-23 and 47-69 were rejected under 35 U.S.C. 112, first paragraph, with regard to the claimed feature of "maintaining a repository of previously generated product abstractions" because "[n]o disclosure is found within applicant's specification or drawings describing this repository" at pages 2-3 of the Office action. This rejection is respectfully traversed.

Applicants note that as stated in MPEP Section 2163.02 (8th Ed. Rev. 6) and as well-established by the Federal Circuit, the subject matter of the claim need not be described using the same terms (*in haec verba*) in order for the disclosure to satisfy the written description requirement. See, for example, *Yingbin-Nature (Guangdong) Wood Industry Co. v. International Trade Commission*, 87 USPQ2d 1590, 1599 (Fed. Cir. 2008).

In particular, support for the claim feature can be found in the Specification at least at paragraph [0031] and Fig. 1, describing "a product database unit 135 for storing information related to product offerings, merchants, product categories, product abstractions and the mappings among them . . ." Thus the disclosure conveys with reasonable clarity to those skilled in the art that Applicants were in possession of the invention now claimed, and Applicants respectfully request reconsideration and withdrawal of the rejection.

II. ISSUES RELATING TO PRIOR ART

    A. The Prior References

Claims 1-9, 11-24, 47-55 and 57-69 were rejected under 35 U.S.C. 103(a) as allegedly

unpatentable over U.S. Pat. Pub. 2002/0062258 ("Bailey"), in view of U.S. Patent 7,082,426

("Musgrove").

Previously, Claims 10 and 56 were rejected under 35 U.S.C. 103(a) as allegedly

unpatentable over Bailey in view of Musgrove, and further in view of U.S. Pat. Pub.

2005/0149390 ("Scholl").

    B. Patentability Of Claims 1-23 and 47-69

Current independent Claim 1 recites the following (emphasis added):

A method for associating data with product abstractions comprising the steps of:
    maintaining a repository of previously-generated product abstractions;
    maintaining data that identifies a plurality of pre-established product
        categories;
    inspecting a first data set that includes data that corresponds to an offer to
        sell a particular product by a particular party, wherein the first data
        set is not currently matched to any product abstraction and the
        particular product is not currently assigned to any product category;
    based on the first data set, determining whether the particular product
        matches any of said pre-established product categories;
    **in response to determining that the particular product does not match
        any of said pre-established product categories, determining
        whether to create a new product category based, at least in
        part, on whether similar uncategorized products have been
        previously encountered;**
    **responsive to determining that a new product category should be
        created, (a) creating the new product category, (b) storing data
        that indicates that said particular product belongs to said new
        product category, and (c) establishing the new product
        category as one of said pre-established product categories;**
    matching said first data set with a product abstraction from said repository
        of previously-generated product abstractions based, at least in part,
        on the pre-established product category to which said particular
        product corresponds;

wherein the product abstraction is an electronic representation of a product and wherein the method is performed by a computer programmed to be a special purpose machine pursuant to instructions from program software.

Current independent Claim 47 is the corresponding machine-readable storage medium claim.

The references individually, and all combinations of two or more of {Bailey, Musgrove, Gavarini, Scholl}, fail to disclose or suggest current Claim 1.

Regarding Bailey, paragraph [0038] discloses use of a database that may "link each item in at least a portion of a catalog to one or more keywords associated with the item, and also to all attributes and acceptable attribute values for the item." In other words, the Bailey database links items to keywords and attributes. However, Bailey does not describe how the links between items and keywords were established, or how to handle items in which no current keywords appear appropriate.

Specifically, Bailey fails to satisfy the following express limitations of Claim 1: "**in response to determining that the particular product does not match any of said pre-established product categories, determining whether to create a new product category based, at least in part, on whether similar uncategorized products have been previously encountered**" and "**responsive to determining that a new product category should be created, (a) creating the new product category, (b) storing data that indicates that said particular product belongs to said new product category, and (c) establishing the new product category as one of said pre-established product categories.**"

Instead, Bailey discloses how to use a pre-constructed, pre-populated database in performing parametric searches. See paragraph [0059] and Figs. 3A-3C describing the

structure of database 6 used to "allow parametric searching on WECAP system 1012 to be accomplished in a relatively fast and efficient manner . . ." Additionally, Bailey discloses that "WECAP system 10 is <u>preferably pre-programmed with every attribute</u> associated with keyword 77 in its database 6." As the pre-programmed system of Bailey lacks the smarts to handle a product that does not match one of the pre-established product categories, Bailey fails to disclose or suggest Applicants' claimed features quoted above.

Adding Musgrove to Bailey fails to cure the deficiency of Bailey. More importantly, the manner in which Musgrove determines categories for each product is <u>fundamentally different</u> from Claim 1's express limitations of "**in response to determining that the particular product does not match any of said pre-established product categories, determining whether to create a new product category based, at least in part, on whether similar uncategorized products have been previously encountered**" and "**responsive to determining that a new product category should be created, (a) creating the new product category, (b) storing data that indicates that said particular product belongs to said new product category, and (c) establishing the new product category as one of said pre-established product categories.**"

Musgrove's scheme to categorize product information is best illustrated in Fig. 9 and accompanying text at column 24 lines 27-53. First, it should be noted that Musgrove attempts place product categories in a taxonomy, with an example taxonomy illustrated in Fig. 7. For each product offering, Musgrove assigns a unique product identifier (UPID) and attempts to place the UPID into a proper category within the taxonomy. See column 24 lines 27-28. According to Musgrove at column 24 lines 28-33:

First, the attributes and attribute value sets defined for each category, in a known manner along with their aliases, synonyms, hypernyms, etc. can be examined. Second, actual product information records already classified in each category can be examined.

Musgrove only looks to existing categories and the product information already classified when attempting to determine the category for a product offering. Should this procedure fail (as when the product offering requires a new category), all Musgrove can suggest is that "a manual (or other external) validation is [sic] can be used, or the categorization can be deferred." See column 24 lines 49-52.

Thus Musgrove fails to disclose or suggest the claimed features missing from Bailey, as Musgrove offers no procedure (other than a vague mention of manual validation) to be performed regarding the creation of a new category. Current Claim 1 (and the corresponding machine-readable storage medium of current Claim 43) is neither disclosed nor suggested by the combination of Bailey and Musgrove.

Further, no combination of the references {Gavarini, Scholl} when added to the combination of Bailey and Musgrove disclose or suggest the features of Claim 1 quoted above. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 1 and 47.

C. Patentability Of Claims 3 and 49

In addition to the arguments presented above with respect to current independent Claims 1 and 47, other dependent claims introduce features neither taught nor suggested by any combination of the references. For example, Claim 3 recites the following (emphasis added):

The method of Claim 1,

> wherein said offer to sell a particular product by a particular party is a first product offering of a plurality of product offerings; said product abstraction is one of a plurality of product abstractions and each product abstraction is associated with one or more product categories; and the method further comprises the steps of:
> generating mapping information associating each product offering in said plurality of product offerings with one or more product abstractions in the plurality of product abstractions;
> receiving a query;
> generating mapping information associating each product offering in said plurality of product offerings with one or more product abstractions in the plurality of product abstractions;
> receiving a query;
> generating a result set for the query based on said mapping information;
> charging a party associated with a particular referenced entity in the result set based at least in part on inclusion of said particular referenced entity in said result set; and
> **determining how much to charge the party based, at least in part, on a product category associated with said referenced entity**.

Claim 3 includes the feature of "**determining how much to charge the party based, at least in part, on a product category associated with said referenced entity**." In contrast, Bailey's suggestion at paragraph [0139] to charge fees for access <u>lacks any suggestion of determining rates with regard to product category</u>. Additionally, in Bailey, it is unclear whether the "access fees" are charged to user or the product seller. As none of the other references cure this deficiency, the combination of references fails to disclose or suggest the features of Claims 3 and 49, and Applicants respectfully request reconsideration and withdrawal of the rejection.

    <u>C. Patentability Of Claims 8 and 54</u>

In addition to the arguments presented above with respect to current independent Claims 1 and 47, other dependent claims introduce features neither taught nor suggested by any combination of the references. For example, Claim 8 recites the following (emphasis added):

The method of Claim 2, wherein said result set includes **a particular reference to a particular referenced entity**, and wherein the method further comprises the steps of:

> providing said one or more result sets to one or more users; and
>
> **monitoring the number of times that said one or more users select said particular reference associated with said particular referenced entity from said one or more result sets**.

Claim 8 includes the feature of "**monitoring the number of times that said one or more users select said particular reference associated with said particular referenced entity from said one or more result sets**." In contrast, the system of Bailey disclosed at paragraph [0044] merely groups results from different manufactures to allow the user to "make more informed decisions." However, Bailey neither discloses nor suggests that any item in a result set include a particular reference, and more importantly, Bailey neither discloses nor suggests a system that monitors the number of times that one or more users select particular references. As none of the other references cure this deficiency, the combination of references fails to disclose or suggest the features of Claims 8 and 54, and Applicants respectfully request reconsideration and withdrawal of the rejection.

D. Patentability Of Claims 10 and 56

In addition to the arguments presented above with respect to current independent Claims 1 and 47, other dependent claims introduce features neither taught nor suggested by any combination of the references. For example, Claim 10 recites the following (emphasis added):

The method of Claim 2, wherein the step of generating a result set further comprises generating a page that contains one or more sponsored references and one or more unsponsored references, wherein a sponsored reference is a first reference associated with a first referenced entity, and for which a first party associated with said first referenced entity is charged for each **inclusion of said first reference in said one or more result sets**, and wherein an unsponsored reference is second reference for which no party will be charged for each **inclusion of said second reference in said one or more result sets**.

In Claim 10, both the first reference and the second reference <u>appear in one or more result sets</u>, leading to closely-focused sponsored references. In contrast, Scholl at paragraph [0003] describes the display of advertisements "<u>along</u> with the search results" "whose <u>search terms</u> <u>most closely match</u> those of the search request." (Emphasis added.) Thus the products advertised on the page of Scholl's search results may not be products generated from the actual user search. As none of the other references cure this deficiency, the combination of references fails to disclose or suggest the features of Claims 10 and 56, and Applicants respectfully request reconsideration and withdrawal of the rejection.

E. Patentability Of Claims 15 and 61

In addition to the arguments presented above with respect to current independent Claims 1 and 47, other dependent claims introduce features neither taught nor suggested by any combination of the references. For example, Claim 15 recites the following (emphasis added):

> The method of Claim 2, wherein the step of generating a result set further comprises the steps of:
>> applying a **similarity measure between one or more aspects of a particular reference and one or more aspects of a plurality of other references,** wherein said aspects include one or more aspects of the reference and one or more aspects of the referenced entity; and
> **selecting which references to include in said result set based on said similarity measure.**

Claim 15 includes the feature of "**selecting which references to include in said result set based on said similarity measure."** In contrast, neither paragraph [0076] nor any portion of Bailey discloses or suggests anything resembling a similarity measure; for example, the "SIMILAR PARTS 59" in paragraph [0076] is a reference to a particular category describing products, and has <u>nothing</u> to do with a <u>similarity measure between one or more aspects of a particular reference and one or more aspects of a plurality of other references</u>. As none of the

other references cure this deficiency, the combination of references fails to disclose or suggest the features of Claims 15 and 61, and Applicants respectfully request reconsideration and withdrawal of the rejection.

III.   CONCLUSION

The pending claims not discussed so far are dependent claims that depend on an independent claim that is discussed above. Because each of the dependent claims includes the limitations of claims upon which they depend, the dependent claims are patentable for at least those reasons the claims upon which the dependent claims depend are patentable. Removal of the rejections with respect to the dependent claims and allowance of the dependent claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable.

For the reasons set forth above, Applicants respectfully submit that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a law firm check for the petition for extension of time fee is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of

this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Date: December 29, 2008   /Samuel S. Broda #54802/
              Samuel S. Broda
              Reg. No. 54,802

2055 Gateway Place, Suite 550
San Jose, CA 95110-1083
Telephone: (408) 414-1080
Facsimile: (408) 414-1076